

MAY 9 1997

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to § 10 of the District of Columbia Environmental Policy Act of 1989, D.C. Law 8-36, effective October 18, 1989, D.C. Code § 6-989, and Mayor's Order 92-151 (December 1, 1992) hereby gives notice of the adoption of the following new Chapter 72 ("Environmental Policy Act Regulations") of Title 20 DCMR, ("Environment"). These rules were adopted on July 11, 1995 and will implement the Environmental Policy Act

On April 22, 1994, the Director of the Department of Consumer and Regulatory Affairs ("DCRA") published in the District of Columbia Register ("D.C. Register") for notice and comment proposed rules to implement the District of Columbia Environmental Policy Act of 1989, D.C.- Law 8-36 (41 DCR 2251 (April 22, 1994))

Section 10 of Law 8-36 requires the Mayor to submit the proposed rules to the District of Columbia Council (the "Council") for review during a review period consisting of 45 days, excluding Saturdays, Sundays, legal holidays, and days of Council recess. (D.C. Code § 6-989(a) (1995)). In accordance with that requirement, the Mayor and DCRA submitted the proposed rules to the Council on October 15, 1994. Also submitted to the Council with the proposed rules was a report responding to citizens comments received in response to the April 22, 1994 Notice of Proposed Rulemaking. This report recommended several changes in the proposed rules, including changes to Sections 7201, 7202, 7203, 7205, 7206, 7209, and 7212. Section 10 of the Act further provides that "if the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved"

The Council took no action on the proposed rules or the recommended changes to the proposed rules, and by letter dated March 2, 1995, Council Chairman Clarke stated that by virtue of the Council having taken no action to disapprove it, Proposed Resolution PR10-724, entitled "District of Columbia Environmental Policy Act Proposed Rulemaking Approval Resolution of 1994, was deemed approved on February 18, 1995.

These final rules take effect immediately upon publication of this notice in the D.C. Register.

At the same time as the publication of this Notice of Final Rulemaking, DCRA is also publishing a Notice of Proposed Rulemaking which addresses citizen comments on the April 22, 1994 Proposed Rulemaking and proposes amendments to the sections listed above.

CHAPTER 72 ENVIRONMENTAL POLICY ACT REGULATIONS

7200 GENERAL PROVISIONS

- 7200.1 Before an agency, board, commission, or authority of the District of Columbia government shall approve any major action, or issue any lease, permit, license, certificate, or other entitlement or permission to act for a proposed major action, the environmental impact of the action must be adequately considered and reviewed by the District government, as provided in these regulations.
- 7200.2 Agencies, boards, and commissions under the mayor's authority shall integrate, and agencies, boards and commissions not under the mayor's authority shall be requested to integrate the Environmental Impact Statement (EIS) process with other planning processes at the earliest stages of their planning for major actions they intend to propose, when the widest range of feasible alternatives is open for consideration, and before there has been any irretrievable commitment of resources, in order to ensure that planning and decisions reflect environmental values, in order to avoid delays later in the process, and to head off potential conflicts.

7201 MAJOR ACTIONS FOR WHICH ENVIRONMENTAL IMPACT SCREENING FORMS ARE REQUIRED

- 7201.1 An Environmental Impact Screening Form (EISF) shall be prepared for any action that would cost over one million dollars (\$1 million) based on 1989 dollars adjusted annually according to the Consumer Price Index and that may have a significant impact on the environment.
- 7201.2 An action costing \$1 million or more may have significant impact on the environment and, thus, may be a major action subject to the EISF requirement of § 7201.1 if any of the following conditions are met:
- (a) The action might have a significant adverse effect on a rare or endangered species of animal or plant, or the habitat of the species;
 - (b) The action might violate published national or local standards relating to hazardous waste, solid waste or litter control;
 - (c) The action might significantly deplete or degrade ground water resources;
 - (d) The action might significantly interfere with ground water recharge;
 - (e) The action might induce significant growth or concentration of population;
 - (f) The action might cause significant flooding, erosion or sedimentation;
 - (g) The action might extend a sewer trunk line with capacity to serve new development;
 - (h) The action might significantly diminish habitat for fish, wildlife or plants;

- (i) The action might disrupt or divide the physical arrangement of an existing community;
- (j) The action might create a potential public health hazard or would involve the use, production or disposal of materials that pose a hazard to people, animal or plant populations in the area;
- (k) The action might violate any ambient air quality standard, contribute significantly to an existing or projected air quality violation, or expose sensitive receptors to significant pollutant concentration;
- (l) The action might cause significant adverse change in existing surface water quality or quantity;
- (m) The action might cause a significant adverse change in the use and conservation of energy resources, including an adverse impact on quantity or type of energy used;
- (n) The action might cause significant adverse change in the existing level of noise in the vicinity of the action;
- (o) The action might result in the exceedance of any Federal or District standards regarding electric and magnetic fields (EMF), if and when such standards are promulgated.
- (p) The action, together with other actions proposed concurrently by the applicant, might have a cumulative impact that would be significant under the criteria described in S 7201.2(a)-(0).

7201.3 An EISF shall be prepared for any action that would cost less than 1 million dollars (\$1,000,000) based on 1989 dollars adjusted annually according to the consumer Price Index, if the action imminently and substantially affects the public health, safety, or welfare.

7201.4 A project imminently and substantially affects the public health, safety, or welfare if any of the following conditions are met:

- (a) The action would violate Federal or District standards relating to hazardous waste, energy resources, air pollution, surface and ground water pollution, soil erosion, storm water, and flooding;
- (b) The action would negatively affect a rare or endangered species of animal or plant, or the habitat of that species;
- (c) The action would contaminate a public water supply;
- (d) The action would create a public health hazard under applicable District regulations; or
- (e) The action would involve the use, production or disposal in the affected area of hazardous substances as defined in § 7299.1 of these regulations in violation of federal or District environmental regulations.

7202 ACTIONS FOR WHICH NO ENVIRONMENTAL IMPACT SCREENING FORM IS REQUIRED

- 7202.1 No agency shall require that an EISF or an EIS be prepared for the following actions:
- (a) Any action that costs less than 1 million dollars (\$1,000,000) based on 1989 dollars adjusted annually according to the Consumer Price Index, unless that action meets the criteria of § 7201.3 and 7201.4 of these rules;
 - (b) Any action for which an Environmental Impact statement ("EIS") has been prepared in accordance with the National Environmental Policy Act of 1969, approved January 1, 1970 (83 Stat.852; 42 U.S.C. § 4321 et seq.) (NEPA) and its implementing regulations, or a determination has been made under NEPA and its implementing regulations that no impact statement is required due to a finding of no significant impact or a finding that the proposed action is categorically excluded from consideration;
 - (c) Any action for which a request has been made for the authorization or allocation of funding that involves only a feasibility or a planning study for a possible future action that has not been approved, adopted or funded. The study, however, shall include consideration of environmental factors;
 - (d) Any action whose impact on the environment has been or is considered in the functional equivalent of an EIS, where equivalency is determined by the lead agency;
 - (e) Any action that reached a critical stage of completion prior to October 18, 1989, and the cost of altering or abandoning the action for environmental reasons outweighs the benefits derived from the action;
 - (f) Any action of an environmentally protective regulatory nature;
 - (g) Any action within the Central Employment Area as defined in the zoning Regulations of the District of Columbia; and
 - (h) Any action for which a lease, permit, certificate, or any other entitlement or permission to act by a District government agency has been approved before December 31, 1989.
- 7202.2 In addition to the actions listed in § 7202.1, no agency shall require that an EISF or EIS be prepared for the following classes of actions:
- (a) Class 1. Operation, repair, maintenance, or minor alteration of existing public structures, facilities, mechanical equipment, or topographical features, including replacement of roofs, HVAC, electrical, plumbing, elevator, sprinkler or other systems, plus interior work to common areas and individual units, involving negligible or no expansion of use beyond that previously existing;
 - (b) Class 2. Replacement, renovation, or reconstruction of existing structures and facilities, where the new or renovated structure meets the requirements of the Zoning Regulations, is located on the same site as the structure replaced, renovated, or

reconstructed, will have substantially the same purpose and capacity as the structure replaced, renovated, or reconstructed, and will not exceed the density of that structure;

(c) Class 3. Construction and location of limited numbers of small facilities or structures; installation of new equipment in small structures, including replacement of HVAC, electrical, plumbing, elevator, sprinkler or other systems; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This class includes, but is not limited to:

(1) Single family residences not in conjunction with the building of two or more such units;

(2) Small commercial structures not involving the use of significant amounts of hazardous substances;

(3) Water main, sewage, electrical, and other utility extensions of reasonable length to serve such construction; and

(4) Accessory structures such as garages, patios, swimming pools, and fences;

(d) Class 4. Minor public or private alterations in the condition of land, water, or vegetation which do not involve the removal of mature, healthy trees. This class includes, but is not limited to:

(1) Grading on land with a slope of less than ten percent (10%), except in waterways, wetlands, or officially designated scenic areas;

(2) New gardening, landscaping or planting of trees or other vegetation;

(3) Temporary use of land having negligible permanent effects, such as carnivals, fairs, and sales of Christmas trees; and

(4) The creation of bicycle lanes on existing rights-of-way;

(e) Class 5. Minor alterations in land use limitation in areas with an average slope of less than twenty percent (20%), which do not result in any changes in land use or density. This class includes, but is not limited to:

(1) Minor lot line adjustments, side yard and set back variances; and

(2) Issuance of minor encroachment permits;

(f) Class 6. Actions taken by District agencies as authorized by law or regulation to assure the maintenance, restoration, or enhancement of a natural resource or the environment, where the regulatory process involves procedures for protection of the environment. This includes basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to the environment and activities limited entirely to inspections to check for performance of an operation, or the quality, health or safety of a project;

(g) Class 7. Construction or placement of minor structures accessory to existing commercial, industrial, or institutional facilities. This class includes, but is not limited to:

(1) On-premise signs;

(2) Small parking lots (fewer than 50 vehicles); and;

(3) Placement of seasonal or temporary use items such as mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use;

(h) Class 8. Action in the nature of a response to an emergency as determined by the Mayor;

(i) Class 9. Action in the nature of remedial actions related to leaking underground storage tanks, removal of PCB equipment, hazardous substances, or other environmental contaminants pursuant to all lawfully required and issued permits;

(j) Class 10. Actions related to the removal of asbestos pursuant to all lawfully required and issued permits;

(k) Class 11. Residential structure projects, or portions of projects, within the R-1 through R-5-A zoning districts, as defined under Chapters 2 and 3 of Title 11, DCMR (Zoning);

(l) Class 12. Actions within Development Zones as defined pursuant to the District of Columbia Economic Development Zone Incentives Act of 1988 (D.C. Law 7-177).

7202.3 An applicant may submit an existing environmental description and analysis of a proposed action to the lead agency, which must make a written determination within thirty (30) days of receipt of the document as to whether or not (i) the environmental description and analysis qualifies as a functional equivalent of an EIS, and (ii) the action is exempt under § 7202.1.

7203 DESIGNATION AND RESPONSIBILITIES OF LEAD AND REVIEW AGENCIES

7203.1 The lead agency responsible for the coordination of the preparation and review of the EISF, and the EIS if necessary, shall be as follows:

(a) For any major action proposed by an applicant that would require any license, permit, certificate of occupancy or other approval from a District Agency prior to implementation, the District agency responsible for the first District government authorization of the project shall be the lead agency;

(b) For any major action proposed by the District government, the agency proposing the project shall be the lead. agency.

- 7203.2 For any public or private major action for which the lead agency is an agency other than DCRA, the lead agency shall submit any EISF send EIS to the DCRA, as review agency, for review, and shall consider the recommendations of DCRA in determining whether to request additional information on environmental impacts pursuant to § 7203.4 and in decisions concerning the major action that is the subject of the EISF or EIS.
- 7203.3 DCRA shall submit its recommendations concerning the need for an EIS to the lead agency within fourteen (14) days of receipt of the submission of the EISF from the lead agency. DCRA shall submit its recommendations concerning any EIS to the lead agency by the end of the period for public comment on the EIS.
- 7203.4 The lead agency may request relevant information from the applicant concerning impact, costs, benefits, and alternatives that it reasonably determines to be necessary in evaluating the proposed major action. If the lead agency has not received any response to the request for information within ninety (90) calendar days, the lead agency shall deny approval of the project.
- 7203.5 For District government projects, DCRA may request relevant information from the lead agency concerning impact, costs, benefits, and alternatives that it reasonably determines to be necessary in evaluating the proposed major action. If DCRA has not received any response to the request for information within ninety (90) calendar days, DCRA shall deny approval of the project
- 7203.6 No agency shall issue any license, permit, certificate, or authorization until completion of the environmental impact review process by the lead agency.

7204 PREPARATION OF ENVIRONMENTAL IMPACT SCREENING FORM

- 7204.1 The lead agency or the applicant shall complete an EISF for major actions that are not exempted by § 7202.1 or § 7202.2.
- 7204.2 The applicant for a permit for a major action shall file an EISF and five (5) copies with the lead agency for review and determination of whether an EIS is required.
- 7204.3 Along with the EISF, the applicant shall submit a project description and any other available information relative to the environmental impacts of the proposed major action, including, but not limited to, environmental assessments, traffic analyses, computer analyses and any other reports which will assist the lead agency in making its determination.
- 7204.4 Upon the request of the lead agency, the applicant shall provide any additional information requested to complete or clarify the description of the proposed major action and potential environmental impacts. If the applicant has not responded to the request for information within ninety (90) calendar days, the lead agency shall deny approval of the project.

7205 REVIEW OF ENVIRONMENTAL IMPACT SCREENING FORM

- 7205.1 The lead agency shall make a written determination, within thirty (30) working days of the submission by an applicant of a complete EISF pursuant to § 7204.2 and 7204.3 for a major action that- is not exempt under 7202.1 or 7202.2, whether or not the action is likely to have substantial negative impact on the environment, and whether an EIS is required.
- 7205.2 If the lead agency determines that an EIS is required, no lease, permit, license, certificate, or other entitlement shall be issued by the District government until the EIS has been prepared consistent with these regulations and the Environmental Policy Act, has been reviewed and approved by the District government, and all applicable fees have been paid.
- 7205.3 If the lead agency determines that an EIS is not required for a major action that is likely to involve the creation, use, storage, transportation, or disposal of a hazardous substance, the lead agency shall prepare within ten (10) days of such determination, a written explanation of why an EIS is not required.
- 7205.4 The lead agency shall make the written determination required by § 7205.3 available to the public by publishing a notice in the D.C. Register and transmit a copy to the Council of the District of Columbia prior to granting or issuing of any applicable lease, permit, license, certificate, entitlement, or permission to act.

7206 PREPARATION OF THE ENVIRONMENTAL IMPACT STATEMENT

- 7206.1 For major actions proposed by an applicant, the applicant shall be responsible for the preparation of the EIS.
- 7206.2 The EIS shall include the following information and will describe and, where appropriate, analyze the following:
- (a) The goals and nature of the proposed major action and its environment;
 - (b) The relationship of the proposed major action to the goals of the adopted comprehensive Plan, requirements as promulgated by the Zoning Commission, and any District or federal environmental standards;
 - (c) Any adverse environmental impact that cannot be avoided if the proposed major action is implemented;
 - (d) Alternatives to the proposed major action, including alternative locations and the adverse and beneficial effects of the alternatives;
 - (e) Any irreversible or irretrievable, commitment of resources involved in the implementation of the proposed major action;
 - (f) Mitigation measures proposed to minimize any adverse environmental impact;

- (g) The impact of the proposed major action on the use of energy resources, if applicable and significant;
- (h) The cumulative impact of the major action when considered in conjunction with other proposed actions;
- (i) The environmental effect of future expansion or action, if expansion or action is a reasonably foreseeable consequence of the initial major action and the future expansion or action will likely change the scope or nature of the initial major action or its environmental effects;
- (j) Responses to comments on the EIS provided by the Council, any affected Advisory Neighborhood Commission, and interested members of the public; and
- (k) Any additional information that the Mayor or a board, commission, or authority determines to be helpful in assessing the environmental impact of any proposed major action and the suggested alternatives.

7206.3 For any given major action covered by this Chapter, only one EIS shall be required.

7208 PUBLIC REVIEW OR ENVIRONMENTAL IMPACT STATEMENTS

- 7208.1 The lead agency shall transmit a copy of the completed EIS to the Council of the District of Columbia, any District agency that has responsibility for implementing the major action or that has special expertise with respect to any environmental impact involved, and any affected Advisory Neighborhood Commission-
- 7208.2 The lead agency shall publish in the D.C. Register a notice of the availability of the EIS for a forty-five day (45) public comment period.
- 7208.3 The lead agency shall make available to the public for inspection a copy of the EIS, by providing a copy of the EIS in its main office and in the M.L. King Public Library-

7209 PUBLIC HEARING REQUIREMENT

- 7209.1 The lead agency shall hold a public hearing on an EIS within forty-five (45) calendar days of any request made during the public comment period by twenty-five (25) registered voters in a single member district, or if there is significant public interest in the action that is the subject of the EIS.
- 7209.2 The hearing shall provide an opportunity for the citizens affected by the environmental impacts of the proposed major action and other interested parties to present written and oral comments.
- 7209.3 The applicant shall be given an opportunity to respond to all verbal or written public comments. Comments shall be addressed both individually and collectively and shall be responded to by:
 - (a) Supplementing, improving or modifying the analyses in the original EIS;

- (b) Making factual corrections to the original EIS;
- (c) Explaining why the comments do not warrant further response, by citing the sources, authorities, or reasons which support the position, and if appropriate, indicating those circumstances which would trigger agency reappraisal or further response; and
- (d) By attaching to the response all comments received, whether or not the comment is thought merit individual discussion and response. All written and oral comments, and responses to those comments, become part of the record and shall be considered by the lead agency in deciding whether the EIS identifies an adverse effect and that the public health, safety or welfare is imminently and substantially endangered by the action.

2710 FINDING AS TO ENVIRONMENTAL IMPACT

- 7210.1 The lead agency shall make a written finding, taking into account written and oral public comments, and the responses to those comments, that the EIS either.:
 - (a) Identifies no adverse effect;
 - (b) Identifies an adverse effect, but the public health, safety, or welfare is not imminently and substantially endangered; or
 - (c) Identifies an adverse effect and the public -health, safety, or welfare is imminently and substantially endangered.
- 7210.2 The lead agency shall make a finding as to the environmental impact of the proposed major action within thirty (30) working days after completion of a public hearing, if one is required, or within thirty (30) working days of the close of the public comment period, if no public hearing is required.
- 7210.3 If the lead agency makes a finding that the EIS identifies an adverse effect and that the public health, safety, or welfare is imminently and substantially endangered, the lead agency shall disapprove the project unless the lead agency or applicant submits mitigating measures or substitutes a reasonable alternative to avoid the danger.
- 7210.4 If the lead agency makes a finding that the final EIS identifies no adverse effect, or identifies an adverse effect and the public health safety or welfare is not imminently and substantially endangered, the proposed action shall be approved with respect to the requirements of Law B-36,
- 7210.5 The lead agency's written finding shall be published in the D.C. Register.

7211 REQUIREMENTS FOR A SUPPLEMENTAL EIS

- 7211.1 The lead agency or applicant shall prepare a supplemental EIS if:
- (a) The lead agency or applicant makes or proposes a substantial change in the proposed major action that is relevant to environmental concerns and not addressed in the EIS;
 - (b) There are significant new circumstances or information relevant to environmental concerns that affect the proposed action or the impact of the proposed action; or
 - (c) The lead agency determines for any action exempted from the EIS process pursuant to § 7202.1(b) (an action subject to the federal EIS requirements under NEPA), or § 7202.1(d) (an action for which a EIS functional equivalent has been prepared), that a substantial And relevant question remains with regard to the impact of -he action on the environment that would otherwise be addressed in an EIS prepared in accordance with these regulations.
- 7211.2 The supplemental EIS shall be prepared, transmitted, funded and reviewed in accordance with the requirements of § 7206.1, 7206.3, 7208, 7209 and 7210.

7212 FEES

- 7212.1 The lead agency shall charge the applicant a fee for the review of the EIS.
- 7212.2 The EIS review fee is forty dollars (\$40) per hour.
- 7212.3 For any EIS, the total review fee shall not exceed one percent (1.0%) of the total project cost of the proposed major action.

7213 PROJECT COSTS

- 7213.1 The total project cost of a proposed action shall include the cost of supplying utility service to the project, the cost of site preparation, the cost of labor and material, the cost of any process equipment required by the project, and the cost of installation of any process equipment.
- 7213.2 The cost of site preparation shall include both pre and post-construction site work, including clearing of trees and vegetation, grading and excavation, implementation of soil erosion and sedimentation control plans, installation of storm water management facilities, and the post-construction replacement of trees and vegetation and other landscaping.
- 7213.3 Site preparation costs shall not include the costs of any remediation actions taken to remove .contaminated sails or to treat contaminated soils or ground water on. site.

7299 DEFINITIONS

7299.1 When used in this chapter of this title, the following terms shall have the meanings ascribed:

Act - The District of Columbia Environmental Policy Act of 1989 (34 DCMR 5741).

Action - (i) a new project or activity directly undertaken by an agency, board, commission, or authority of the District government, or (ii) a project or activity that involves the issuance of a lease, permit, license, certificate, or other entitlement, or permission to act by an agency of the District government

Adverse effects - any effect from a proposed action which has a significant negative environmental impact on the public health, safety, or welfare.

Affected ANC - the ANC within which the proposed action will be implemented and ANCs directly adjacent to that ANC.

ANC - Advisory Neighborhood Commission

Applicant - non-governmental party, institution, or corporation which applies to the District of Columbia government for a lease, permit, license, certificate, or other entitlement or permission to act.

Council - the Council of the District of Columbia

Critical stage - that phase of a proposed action where the cost of altering or abandoning the action outweighs the benefits to the environment.

DCRA - the District of Columbia Department of Consumer and Regulatory Affairs.

EISF - Environmental Impact Screening Form

EIS - Environmental Impact Statement

Emergency - any immediate threat to the public health, safety, or welfare, or the quality of the environment for which an immediate response is required by the public or private sector.

Environment - the physical conditions that will be affected by a proposed action, including but not limited to, the land, air, water, minerals, flora, and fauna.

Functional Equivalent – the full and adequate description and analysis of the environmental impact of a proposed action by an agency, board, commission, or authority of the District government that examines or imposes environmental controls under procedures that provide for notice, opportunity for public comment, and the creation of a reviewable record, where the description and analysis discusses impacts on the environment, as defined in these regulations, and includes information concerning, at a minimum, (1) the relationship of the proposed action to any applicable

District or federal environmental standards; (2) any potential unavoidable adverse environmental impact from the project, if implemented; (3) any irreversible and irretrievable commitment of resources involved in the implementation of the project; (4) any significant impact on the use and conservation of energy resources; and (5) the cumulative impact of the project on the environment when considered in conjunction with other actions proposed concurrently by the applicant.

Hazardous substance - any solid, liquid, gaseous, or semisolid form or combination that, because of its nature, concentration, physical, chemical, or infectious characteristic, as established by the agency, may:

(a) Cause or significantly contribute to an increase in mortality or an increase in a serious irreversible or incapacitating reversible illness; or

(b) Pose a substantial hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed, including substances that are toxic, carcinogenic, flammable, irritants, strong sensitizers, or that generate pressure through decomposition, heat, or other means, and containers and receptacles previously used in the transportation, storage, use, or application of hazardous substances.

Lead agency - the District government agency designated by the mayor to have primary responsibility for coordinating the preparation of an Environmental Impact Statement.

Major Action - any action that costs over 1 million dollars and that under S 7201.2 may have a significant impact on the environment, or any action that costs less than 1 million dollars and that under S 7201.4 imminently and substantially affects the public health, safety, or welfare.

Public Structure - any government-owned building, roadway, bridge, alley, sidewalk, curb, gutter, or utility, including structures and equipment related to the pumping or distribution of water, sanitary sewage, storm water, or combination of storm water and sanitary sewage.

Review Agency - the Department of Consumer and Regulator Affairs (DCRA).

Significant - the degree to which an action has a major impact on public health, safety, or welfare, or the quality of the environment.

Significant Negative Impact - any impact, which when considered in its entirety, will result in a significant degradation of the environment.